

ASSEMBLY BILL

No. 1957

Introduced by Assembly Member Silva

February 17, 2010

An act to amend Section 11346.4 of, and to add Section 11346.41 to, the Government Code, relating to regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as introduced, Silva. Administrative Procedure Act: notice of proposed actions: local government agencies.

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would require an agency to mail a notice of proposed action to adopt, amend, or repeal a regulation to local government agencies or local government agency representatives that the agency believes may be interested in, or impacted by, the proposed action, as prescribed. This bill would require the office, for purposes of this notice, to create, maintain, and make available to a requesting agency, a notification list of local government agency representatives, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11346.4 of the Government Code is
2 amended to read:

1 11346.4. (a) At least 45 days prior to the hearing and close of
2 the public comment period on the adoption, amendment, or repeal
3 of a regulation, notice of the proposed action shall be:

4 (1) Mailed to every person who has filed a request for notice of
5 regulatory actions with the state agency. Each state agency shall
6 give a person filing a request for notice of regulatory actions the
7 option of being notified of all proposed regulatory actions or being
8 notified of regulatory actions concerning one or more particular
9 programs of the state agency.

10 (2) In cases in which the state agency is within a state
11 department, mailed or delivered to the director of the department.

12 (3) Mailed to a representative number of small business
13 enterprises or their representatives that are likely to be affected by
14 the proposed action. "Representative" for the purposes of this
15 paragraph includes, but is not limited to, a trade association,
16 industry association, professional association, or any other business
17 group or association of any kind that represents a business
18 enterprise or employees of a business enterprise.

19 (4) When appropriate in the judgment of the state agency, mailed
20 to any person or group of persons whom the agency believes to
21 be interested in the proposed action and published in the form and
22 manner as the state agency shall prescribe.

23 (5) Published in the California Regulatory Notice Register as
24 prepared by the office for each state agency's notice of regulatory
25 action.

26 (6) Posted on the state agency's ~~website~~ *Internet Web site* if the
27 agency has a ~~website~~ *an Internet Web site*.

28 (7) *Mailed to local government agencies or local government*
29 *agency representatives that the agency believes may be interested*
30 *in, or impacted by, the proposed action. For purposes of this*
31 *paragraph, the term "local government agency representative"*
32 *shall include, but not be limited to, the following:*

33 (A) *Countywide elected officials whose departments would be*
34 *impacted by a proposed action.*

35 (B) *County administrators or executive offices of a county whose*
36 *operations may be impacted by a proposed action.*

37 (C) *City managers of a city whose operations may be impacted*
38 *by a proposed action.*

39 (D) *General managers of a special district whose operations*
40 *may be impacted by a proposed action.*

1 (b) The effective period of a notice issued pursuant to this
2 section shall not exceed one year from the date thereof. If the
3 adoption, amendment, or repeal of a regulation proposed in the
4 notice is not completed and transmitted to the office within the
5 period of one year, a notice of the proposed action shall again be
6 issued pursuant to this article.

7 (c) Once the adoption, amendment, or repeal is completed and
8 approved by the office, no further adoption, amendment, or repeal
9 to the noticed regulation shall be made without subsequent notice
10 being given.

11 (d) The office may refuse to publish a notice submitted to it if
12 the agency has failed to comply with this article.

13 (e) The office shall make the California Regulatory Notice
14 Register available to the public and state agencies at a nominal
15 cost that is consistent with a policy of encouraging the widest
16 possible notice distribution to interested persons.

17 (f) Where the form or manner of notice is prescribed by statute
18 in any particular case, in addition to filing and mailing notice as
19 required by this section, the notice shall be published, posted,
20 mailed, filed, or otherwise publicized as prescribed by that statute.
21 The failure to mail notice to any person as provided in this section
22 shall not invalidate any action taken by a state agency pursuant to
23 this article.

24 SEC. 2. Section 11346.41 is added to the Government Code,
25 to read:

26 11346.41. (a) For purposes of paragraph (7) of subdivision
27 (a) of Section 11346.4, the office shall create, maintain, and make
28 available to a requesting agency, a notification list of local
29 government agency representatives.

30 (b) The notification list shall be comprised of information
31 requested from, and submitted by, the appropriate statewide
32 associations representing the local government agencies. The office
33 shall request information from statewide associations that include,
34 but are not limited to, the following:

- 35 (1) The California State Association of Counties.
- 36 (2) The County Auditors Association of California.
- 37 (3) The California Assessors Association.
- 38 (4) The County Records Association of California.
- 39 (5) The California District Attorneys Association.
- 40 (6) California State Sheriffs Association.

- 1 (7) California Association of Public Administrators, Public
- 2 Guardians, and Public Conservators.
- 3 (8) California Association of County Treasurers and Tax
- 4 Collectors.
- 5 (9) The League of California Cities.
- 6 (10) The California Special Districts Association.
- 7 (11) The California County Superintendents Education Services
- 8 Association.